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**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ANTHONY AQUILA,

Plaintiff and

v

UNITED STATES OF AMERICA.

Defendant

No. C-04-0443-FMS

**APPLICATION TO CONTINUE
CASE MANAGEMENT
CONFERENCE AND ORDER**

17 This case is set for a case management conference on July 15, 2004. The complaint was filed
18 February 8, 2004 and the government's answer filed May 4, 2004. The case involves the assessment of
19 so-called 100% penalty taxes for the failure of a corporation to pay over employment taxes due the
20 government. The government had anticipated filing a counterclaim against another person who was
21 assessed some of the same penalty taxes. We learned from the IRS that the other assessed person had
22 paid in full the taxes assessed against him. However, there are still taxes that remain unpaid by
23 plaintiff even after giving him credit for those payments. The parties are now engaged in settlement
24 negotiations as regards the remaining unpaid amounts.

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1 Accordingly, the parties request that the Court continue the statute conference for 60 days to
2 allows the parties more time to hopefully settle the case. Plaintiff's counsel, Jeffrey Titus, joins in the
3 request.

4 Respectfully submitted,

5 KEVIN V. RYAN
United States Attorney

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8 JAY E. WEILL
Assistant United States Attorney
Chief, Tax Division
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10 **ORDER**

11 Upon application of the United States the Case Management Conference is continued to
12 *September 16, 2004* at 2:00 p.m.

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14 *Fern M. Smith*
15 FERN M. SMITH
United States District Judge
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